

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer**

Civil Action No.: 10-cv-01797-WJM-CBS

FTR - Reporter Deck - Courtroom A402

Date: September 9, 2011

Courtroom Deputy: Laura Galera

BLAINE W. KLINGEMANN,

Robert Keith Jenner

Plaintiff,

Edward Mulligan

Vance Andrus

v.

BREG, INC.,

John D. Sear

Defendant.

Jordan L. Lipp

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in session: 10:10 a.m.

Court calls case. Appearances of counsel.

Argument by Mr. Sear and Mr. Jenner regarding Defendant Breg, Inc.'s Motion to Exclude Causation Testimony of John Hyman, M.D. [85].

Parties request time to speak off the record.

Court in recess: 11:00 a.m.

Court in session: 11:11 a.m.

Defendant moves to withdraw without prejudice Defendant Breg, Inc.'s Motion to Exclude Causation Testimony of John Hyman, M.D. [85] and Defendant Breg, Inc.'s Motion to Exclude Improper Testimony of Peggy Pence, PH.D. [86].

Plaintiff moves to withdraw without prejudice Plaintiff's Motion to Exclude Defendant's Affirmative Expert Reports and Testimony [108].

ORDERED: Defendant Breg, Inc.'s Motion to Exclude Causation Testimony of John Hyman, M.D. [85], Defendant Breg, Inc.'s Motion to Exclude Improper Testimony of Peggy Pence, PH.D. [86], and Plaintiff's Motion to Exclude Defendant's Affirmative Expert Reports and Testimony [108] are **WITHDRAWN WITHOUT PREJUDICE** with reservation of the withdrawing parties' right to refile the motion when and if they believe the circumstances warrant.

Parties may contact chambers to set up a conference call upon ruling of the Motions for Summary Judgment.

HEARING CONCLUDED.

Court in recess: 11:16 a.m.

Total time in court: 00:55

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